

Penny L Koepke
pkoepe@hoalaw.biz
Maxwell & Morgan, P.C.
4854 E. Baseline Road, Suite 104
Mesa, Arizona 85206
Tel: 480-833-1001
Fax: 480-969-8267

[Additional counsel appearing on signature page]

Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Brenda Whittaker, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

Emergency Air LLC, an Arizona limited
liability company,

Defendant.

Case No. 3:18-cv-08188-SPL

STIPULATION OF DISMISSAL

Plaintiff Brenda Whittaker (“Plaintiff” or “Whittaker”) and Defendant Emergency Air LLC (“Defendant” or “Emergency Air”), through their respective counsel, stipulate as follows:

1. Plaintiff filed the above-captioned putative class action against Defendant.
2. Fed. R. Civ. P. 41(a)(1)(A)(ii) allows the parties to stipulate to the dismissal of an action at any time. Rule 23(e) does not limit the right to stipulate to dismissal of this action because it only applies to certified classes, and no class has been certified in this matter. Likewise, the case does not involve any Receiver so as to implicate Rule 66.

Accordingly, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), Plaintiff and Defendant agree that the action shall be dismissed in its entirety and with prejudice with respect to the individual claims alleged by Plaintiff against Defendant.

Plaintiff and Defendant further agree that each party is to bear her or its own attorneys’

1 fees and costs.

2 Respectfully Submitted,

3 Plaintiff Brenda Whittaker

4 Dated: April 8, 2019

By: /s/ Taylor T. Smith

5 One of Plaintiff's Attorneys

6 Steven L. Woodrow*

swoodrow@woodrowpeluso.com

7 Patrick H. Peluso*

8 ppeluso@woodrowpeluso.com

Taylor T. Smith*

9 tsmith@woodrowpeluso.com

Woodrow & Peluso, LLC

10 3900 East Mexico Ave., Suite 300

11 Denver, Colorado 80210

Telephone: (720) 213-0675

12 Facsimile: (303) 927-0809

13 Penny L Koepke

pkoepke@hoalaw.biz

14 Maxwell & Morgan, P.C.

15 4854 E. Baseline Road, Suite 104

Mesa, Arizona 85206

16 Tel: 480-833-1001

17 Fax: 480-969-8267

18 Attorneys for Plaintiff

19 * *Pro Hac Vice*

20 Defendant Emergency Air LLC

21 Dated: April 8, 2019

By: /s/ Eric Hawkins

22 One of Defendant's Attorneys

23 Eric Hawkins

24 eric@durazzo-eckel.com

Durazzo Eckel & Hawkins PC

25 45 N Tucson Blvd.

26 Tucson, Arizona 85716

27 Tel: 520-792-0448

CERTIFICATE OF SERVICE

I, Taylor T. Smith, an attorney, hereby certify that I served the foregoing papers by causing true and accurate copies of such papers to be transmitted to all counsel of record through the Court's electronic filing system on April 8, 2019.

/s/ Taylor T. Smith